

Application No. 10/802,906
Amendment dated November 15, 2005
Reply to Office Action of May 16, 2005

REMARKS

Applicant cancelled claims 1-6 without prejudice or disclaimer of their subject matter and added new claims 7-41 to further define Applicant's claimed invention.

In the Office Action, the Examiner rejected claims 1-6 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner also rejected claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,041,113 to Biedermann et al. Applicant cancelled claims 1-6, thus rendering the Examiner's rejections moot.

New independent claim 7 recites an orthopedic implant having "a locking element for locking at least two bone screws inserted in said at least two bone screw receiving holes, respectively, said locking element adapted to be coupled to said implant prior to the insertion of the bone screws into the bone screw receiving holes." Biedermann et al. do not teach or suggest a implant as recited in independent claim 7.

Applicant submits that independent claim 7 is patentable and that dependent claims 8-41 dependent from independent claim 7, or claims dependent therefrom, are patentable at least due to their dependency from an allowable independent claim.

In view of the foregoing remarks, it is respectfully submitted that the claims are patentable. Therefore, it is requested that the Examiner reconsider the outstanding rejections in view of the preceding comments. Issuance of a timely Notice of Allowance of the claims is earnestly solicited.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including

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any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1068.

Respectfully submitted,

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Dated: November 15, 2005

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